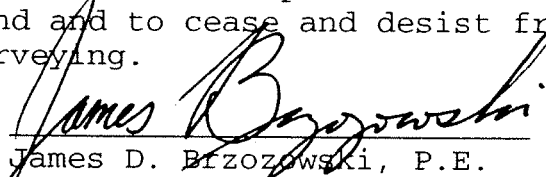


James D. Brzozowski, P.E.  
Complaint No. 10-36

ACKNOWLEDGMENT: I, James D. Brzozowski, P.E., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record and that this letter is a public document. I hereby agree to a formal reprimand and to cease and desist from the unlicensed practice of land surveying.

  
James D. Brzozowski, P.E.

Dated: 7/5/2011



CHRIS CHRISTIE  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Professional Engineers and Land Surveyors  
124 Halsey Street, 3<sup>rd</sup> Floor, Newark, NJ 07102  
[www.njconsumeraffairs.gov](http://www.njconsumeraffairs.gov)

June 24, 2011



PAULA T. DOW  
Attorney General

KIM GUADAGNO  
Lt. Governor

**Certified and Regular Mail**

THOMAS R. CALCAGNI  
Acting Director

James D. Brzozowski, P.E.  
611 Bradley Ave  
Brielle, NJ 08730

RE: I/M/O James D. Brzozowski, P.E.  
Complaint No. 10-36

**Mailing Address:**  
P.O. Box 45015  
Newark, NJ 07101  
(973) 504-6460  
(973) 273-8020 FAX

### **Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint**

Dear Mr. Brzozowski:

This letter is to advise you that the New Jersey State Board of Professional Engineers and Land Surveyors (hereinafter the "Board") has had an opportunity to review information concerning your professional conduct in connection with your preparation of a "Map to Accompany a Waterfront Development/CAFRA Permit" dated January 9, 2007 and subsequent revisions.

More specifically, you admittedly showed existing conditions on your Map without a properly signed and sealed survey or, alternatively, a title block including the signature and seal of a New Jersey licensed professional land surveyor; admittedly depicted the boundaries of a proposed easement and proposed riparian license including the metes and bounds for the same; and, further, admittedly, prepared a metes and bounds description, which constitutes the unlicensed practice of land surveying. Accordingly, upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you are in violation of N.J.S.A. 45:8-27 in connection with your unlicensed practice of land surveying.

As a result of the foregoing, the Board has preliminarily determined that the above violation is sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in an attempt to avoid the initiation of more formal proceedings if you agree to a **formal reprimand** and to **cease and desist** from the unlicensed practice of land surveying upon your signing of the acknowledgment at the bottom of this letter in connection with the above violation. Further, it is **strongly recommended** that you become familiar with the Board's statutes and regulations which govern the practice of the profession to ensure full compliance.

In making a determination, you should know that pursuant to N.J.S.A. 45:1-25 any person who engages in conduct which is in violation of any provision of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for the second and each subsequent violation. However, in an effort to resolve this matter amicably, the Board offers to settle on the terms stated above. If you are willing to resolve this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter and returning it to the Board office within 15 days. In such event, this letter shall be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal proceedings. In such event, you will be afforded an opportunity to defend against the alleged violations. You are advised, however, that in the event formal charges are filed, you may be assessed civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts herein or any additional facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Michelle Albertson, who may be reached at (973) 648-7297.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer shall be considered withdrawn and the matter will be referred to the Attorney General's Office for the initiation of formal proceedings.

NEW JERSEY STATE BOARD OF PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS

By: Joseph Grabowy  
JOSEPH GRABOWY  
Acting Executive Director

cc: B. Michelle Albertson,  
Deputy Attorney General